

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: Daniel Galanaugh, Jr.
Christina Galanaugh

Debtor(s)

U.S. BANK NATIONAL ASSOCIATION (TRUSTEE
FOR THE PENNSYLVANIA HOUSING FINANCE
AGENCY)

Movant

vs.

Daniel Galanaugh, Jr.
Christina Galanaugh

Debtor(s)

William C. Miller, Esq.

Trustee

CHAPTER 13

NO. 16-17743 MDC

11 U.S.C. Section 362

**MOTION OF U.S. BANK NATIONAL ASSOCIATION (TRUSTEE FOR THE
PENNSYLVANIA HOUSING FINANCE AGENCY)
FOR RELIEF FROM THE AUTOMATIC STAY
UNDER SECTION 362**

1. Movant is U.S. BANK NATIONAL ASSOCIATION (TRUSTEE FOR THE PENNSYLVANIA HOUSING FINANCE AGENCY).

2. Debtor(s) are the owners of the premises at 12484 Sweet Briar Road, Philadelphia, PA 19154, hereinafter referred to as the mortgaged premises.

3. Movant is the holder of a mortgage in the original principal amount of \$181,547.00 on the mortgaged premises that was executed on November 20, 2009. Said mortgage was recorded on December 9, 2009 in Document ID Number 52154728 in Philadelphia County. The Mortgage was subsequently assigned to Movant by way of Assignment of Mortgage recorded on November 21, 2015 in Document ID Number 52991560 in Philadelphia County.

4. William C. Miller, Esq. is the Trustee appointed by the Court.

5. The commencement or continuation of mortgage foreclosure proceedings by reason of non-payment of monthly mortgage payments was stayed by Debtors' filing of a Chapter 13 bankruptcy petition.

6. Debtor(s) have failed to make post-petition mortgage payments in the amount of \$1,256.00 per month, plus late charges of \$35.67 per month, for the months of December 2016 through July 2017.

7. In addition to the aforesaid amounts due to Movant, Movant has also incurred \$850.00 in legal fees and \$181.00 in legal costs, as of the date hereof, in connection with seeking the relief requested in this Motion. Movant reserves all rights to seek an award or allowance of such fees and expenses in accordance with the mortgage, applicable loan documents and related agreements, the Bankruptcy Code and other applicable law.

8. The total amount necessary to cure the post-petition mortgage loan delinquency and reinstate the loan post-petition is **\$10,333.36** (plus attorney's fees & costs).

9. Movant is entitled to relief from stay for cause.

10. Movant further seeks relief in order to, at its option, offer, provide and enter into any potential forbearance agreement, loan modification, refinance agreement or other loan workout/loss mitigation agreement, and to contact Debtors via telephone or written correspondence to offer such an agreement. (Any such agreement shall be non-recourse unless included in a reaffirmation agreement.)

11. This motion and the averments contained herein do not constitute a waiver by Movant of its right to seek reimbursement of any amounts not included in this motion, including fees and costs, due under the terms of the mortgage, loan documents and related agreements, and applicable law.

WHEREFORE, Movant prays that an Order be entered modifying the Stay so as to permit Movant to proceed with its mortgage foreclosure on the mortgaged premises, and to allow the Sheriff's Grantee to take any legal action to enforce its right to possession of the mortgaged premises. Further, Movant prays that an Order be entered awarding Movant the costs of this suit, including reasonable attorney's fees in accordance with the mortgage, loan documents and related agreements, and current law, together with interest.

/s/ Matteo S. Weiner, Esquire

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